

### **REMARKS**

In response to the Office Action dated August 26, 2004, Applicant respectfully requests reconsideration and withdrawal of the rejections of the claims and objection to the specification.

In section 4 of the Office Action, reference was made to the phrase appearing in the specification at page 3, line 24, to page 4, line 2. The Office Action states that it is unclear in this phrase whether the word "latest" refers to command data or transmission data.

Applicant notes that the phrase is improperly quoted in the Office Action. Specifically, the Office Action quotes the last portion of the phrase as "which is the latest command data when the first information about transmission order is later than the second information." However, the actual statement is "which is the latest information about transmission order assigned to one of the previous command data."

It is respectfully submitted that the object of the term "latest" is clear from the foregoing statement. In particular, the word "latest" is followed by "information about transmission order." Since the statement is submitted to be clear on its face, it is believed that no correction is necessary.

Claims 1, 8 and 15 were rejected under the second paragraph of 35 U.S.C. §112, for essentially the same reasons. Again, it is respectfully submitted that the object of the terms "latest" and "later" is clear from the language of the claims themselves. In each case, these terms refer to the "information" about transmission order. It is not apparent how the Examiner is reading the claims to interpret them to refer to current command data, as suggested in the Office Action. Reconsideration and withdrawal of the rejection is respectfully requested.

Claims 1-6, 8-13, 15-20, 22 and 23 were rejected under 35 U.S.C. §103, on the grounds that they were considered to be unpatentable over the Motoyama et al. patent in view of the Dillon patent. With respect to the Motoyama patent, the Office Action states that it teaches "a transmitter for transmitting command data *together with a piece of information about transmission order of the data* from the management center to the equipment management apparatus," (emphasis added). While the Motoyama patent discloses the transmission of a command from a monitoring device to a monitored device, it does not disclose that such a command is transmitted "together with a piece of information about transmission order," as recited in the claim or as alleged in the Office Action. The portions of the Motoyama patent referenced in the Office Action, namely the Abstract; column 13, lines 5-15; and column 15, lines 12-126, do not support this allegation. At best, the Abstract discloses the use of electronic mail messages to transmit information between a monitored machine and a remote device. However, neither it, nor the other cited portions of the patent, disclose the transmission of information about transmission order of the data.

The Dillon patent is directed to an electronic mail *notification* system. This system is designed to alert a subscriber when new email addressed to that subscriber is received at a remote server. Referring to Figure 2, the email server 12 includes an account memory 14 for each subscriber. Each time new email is received for the subscriber, a time stamp is updated in the account memory 14. These time stamps are periodically broadcast to the subscribers. Each subscriber's terminal 18 includes a memory 40 that stores the latest time stamp for the most recent email received by the subscriber. If the time stamp broadcast from the remote email server 12 is different from the latest time stamp stored in the memory 40 at the subscriber's terminal, an alert is provided to the subscriber that new

email has been received at the server. In response, the subscriber can then dial into the email server to retrieve the new email message.

The Office Action alleges that the Dillon patent teaches a comparator that, when current command data is received, compares first information about transmission order assigned to the current command data with second information about transmission order assigned to previous command data. However, it is respectfully submitted that the Dillon patent has nothing to do with transmission of command data, it only pertains to the *notification* of subscriber when a new email message has arrived at the remote server. As such, the Dillon patent does not suggest the further elements recited in claim 1, namely a controller "for performing an action of management according to the current command data" when the first information about the transmission order is later than the second information, or for "discarding the current command data" when the first information is not later. In other words, since the Dillon patent does not relate to the transmission of command data, it does not teach the performance of different types of actions in dependence upon the relative order in which different items of command data are received.

Consequently, any possible combination of the Dillon patent with the Motoyama patent would not result in the presently claimed subject matter. Neither patent teaches the concept of comparing information about the transmission order of currently received command data with that for previously received command data, and selectively performing the action specified by the current command data or discarding that data, in dependence upon the relative transmission order.

For at least this reason, therefore, it is respectfully submitted that the subject matter of the pending claims is not suggested by the Motoyama and Dillon patents, whether considered individually or in combination. Further differences between the claimed subject

matter and the prior art are set forth in the dependent claims. However, in view of the fundamental distinction discussed above, a detailed discussion of these additional differences is believed to be unnecessary at this time.


In the rejection of claims 7, 14 and 21, the Nishimura publication was cited for its disclosure of the use of serial numbers to identify transmission order. However, like the other references, it does not disclose selectively acting upon received command data, or discarding that data, in dependence upon the comparison of information about the transmission order of the received command data and information about the transmission order of previous command data. Accordingly, even if its teachings are applied to the other references, the resulting combination does not lead a person of ordinary skill to the presently claimed subject matter.

Reconsideration and withdrawal of the rejections and allowance of all pending claims are respectfully requested.

Respectfully submitted,

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**AMENDMENTS TO THE DRAWINGS:**

Replace the sheet of drawings containing Figure 7 with the accompanying  
Replacement Sheet containing the same figure.

In the Replacement Sheet, reference number S700 has been deleted from the figure.